

**Sills Cummis & Gross**  
A Professional Corporation

101 Park Avenue  
28<sup>th</sup> Floor  
New York, New York 10178  
Tel: (212) 643-7000  
Fax: (212) 643-6500

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 5/26/2022

Scott D. Stimpson  
Member  
Direct Dial: 212-500-1550  
Email: [sstimpson@sillscummis.com](mailto:sstimpson@sillscummis.com)

The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: (973) 643-7000  
Fax: (973) 643-6500

May 26, 2022

**Via ECF**

The Honorable Robert W. Lehrburger  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, New York 10007

Re: Therabody, Inc. v. Tzumi Electronics LLC, et al.  
Civil Action No. 1:21-cv-07803-PGG-RWL

Dear Judge Lehrburger:

This firm represents defendant Tzumi Electronics LLC (“Tzumi”) in the above referenced patent litigation.<sup>1</sup> Pursuant to Your Honor’s Individual Rules of Practice, we write to respectfully request a one-week adjournment of Tzumi’s time to file its motion for partial summary judgment, currently due on May 31, 2022, and its motion to dismiss claims of willfulness, currently due on June 6, 2022. Tzumi is requesting this extension because I have unfortunately come down with COVID-19, as has my colleague, Katherine Lieb. This is Tzumi’s first request for an extension of this deadline, and counsel for plaintiff does not oppose this request.

The parties agree that the dates for the opposition and reply papers for these motions will likewise be adjourned by one week, resulting in the following schedule:

- (a) Motion for Partial Summary Judgment: moving papers due on June 7, 2022; oppositions due on July 8, 2022, and replies due on July 22, 2022; and
- (b) Motion to Dismiss Claims of Willfulness: moving papers due on June 13, 2022, oppositions due on July 15, 2022, and replies due on July 29, 2022.

---

<sup>1</sup> Therabody also sued “Tzumi Inc.” However, Tzumi Inc. is not an existing corporation.

**Sills Cummis & Gross**  
A Professional Corporation

The Honorable Robert W. Lehrburger  
May 26, 2022  
Page 2

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Scott D. Stimpson  
Scott D. Stimpson

cc: All counsel of record (by ECF only)

SO ORDERED:

5/26/2022

  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE